

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA  
MUSKOGEE DIVISION

**FILED**  
**OCT 28 2011**  
WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By Deputy Clerk

RAYMOND BOONE,	)	
	)	
Plaintiff,	)	<b>CIV 11 - 382 - KEW</b>
	)	
v.	)	
	)	<b>VERIFIED COMPLAINT</b>
AMSHER COLLECTION SERVICES,	)	<b>(Unlawful Debt Collection Practices)</b>
	)	
Defendant.	)	

**PLAINTIFF'S VERIFIED COMPLAINT**

RAYMOND BOONE (Plaintiff), through attorneys, KROHN & MOSS, LTD., alleges the following against AMSHER COLLECTION SERVICES (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Oklahoma; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person residing in Dewar, Okmulgee County, Oklahoma.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

*consent form provided*

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in Birmingham, Alabama.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

10. In or around July of 2011, Defendant began placing calls to Plaintiff seeking and demanding payment on an alleged debt owed on a T-Mobile account.

11. Defendant calls Plaintiff from 800-246-9590, and possibly other numbers also.

12. Defendant calls Plaintiff on a cell phone which Plaintiff keeps for emergency use only, at a number ending in 0448.

13. Defendant calls Plaintiff while the latter is at work, when he is not allowed by his employer to receive personal calls.

14. From the earliest calls, Plaintiff informed Defendant that he may not receive calls on this number; that further calls would place his continued employment in jeopardy, and that calls to this number cease.

15. Defendant's representatives have acted with disregard for Plaintiff's requests, including by hanging up on him and by shouting and yelling at Plaintiff to pay the debt.

16. Despite Plaintiff's requests, Defendant has continued to call while Plaintiff was at work, on no less than five occasions.

17. In or around early August of 2011, Plaintiff agreed to a single *one time only* payment of approximately \$339 to be made.

18. Soon thereafter, in late August of 2011, Defendant, without authorization, caused another payment of approximately \$125 to be made against Plaintiff's account, causing him to incur

overdraft charges and fees with his bank.

**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

19. Defendant violated the FDCPA based on, but not limited to, the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;
  - b. Defendant violated §1692d(2) of the FDCPA by using obscene or profane language or language the natural consequence of which is to abuse the hearer or reader;
  - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person called at that number; and
  - d. Defendant violated §1692f of the FDCPA by using unfair and unconscionable means to collect or attempt to collect any debt.

WHEREFORE, Plaintiff, RAYMOND BOONE, respectfully requests judgment be entered against Defendant, AMSHER COLLECTION SERVICES, for the following:

20. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
21. Actual damages;
22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
23. Any other relief that this Court deems appropriate.

RESPECTFULLY SUBMITTED,

PARAMOUNT LAW

A handwritten signature in black ink, appearing to read 'V. Wandres', is written over a horizontal line.

Victor R. Wandres, OBA #19591  
115 W. 3<sup>rd</sup> St., Ste. 411  
Tulsa, OK 74103  
(918) 200-9272

*Attorney for Plaintiff*

### VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OKLAHOMA )  
COUNTY OF Okmulgee )

Plaintiff, RAYMOND BOONE, states the following:

- 1 I am the Plaintiff in this civil proceeding  
2 I have read the above-entitled civil Complaint prepared by my attorneys and I believe  
that all of the facts contained in it are true, to the best of my knowledge, information and  
belief formed after reasonable inquiry  
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law  
or by a good faith argument for the extension, modification or reversal of existing law.  
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to  
harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a  
needless increase in the cost of litigation to any Defendant(s), named in the Complaint  
5 I have filed this Complaint in good faith and solely for the purposes set forth in it.  
6. Each and every exhibit I have provided to my attorneys which has been attached to this  
Complaint is a true and correct copy of the original.  
7 Except for clearly indicated redactions made by my attorneys where appropriate, I have  
not altered, changed, modified or fabricated these exhibits, except that some of the  
attached exhibits may contain some of my own handwritten notations

Pursuant to 28 U.S.C. § 1746(2), I, RAYMOND BOONE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

9-26-11  
Date

and correct.

Raymond Boone  
RAYMOND BOONE